

# 0500893



Federal Communications Commission  
Washington, D.C. 20554

May 9, 2005

DOCKET FILE COPY ORIGINAL

The Honorable Dennis Moore  
U.S. House of Representatives  
1727 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Moore:

Thank you for your letter, dated April 1, 2005, on behalf of Debra Rubin, a constituent from Leawood, Kansas. Ms. Rubin is concerned with recent proposals made by the Commission regarding the use of wireless telephones in airborne aircraft. In particular, she states that there is "no hard evidence" that cell phone use will not interfere with aircraft navigational instruments. In addition, she believes that the introduction of cellular telephones on airplanes will increase passenger tension, compromise flight attendants' ability to maintain order in an emergency, and possibly facilitate terrorist coordination. You ask that we respond to the issues raised in Ms. Rubin's letter.

On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking (Notice)* in WT Docket No. 04-435 that proposes to relax the Commission's current ban on the use of 800 MHz cellular telephones in airborne aircraft, including airplanes. In 1991, the Commission adopted the current ban on the airborne use of cell phones out of concern that such use would interfere with terrestrial cellular networks. On the other hand, the Federal Aviation Administration (FAA) regulates the use of cellular telephones, as well as other transmitting portable electronic devices (T-PEDs), on airplanes, out of concern that such devices might interfere with aircraft communications and navigation systems.

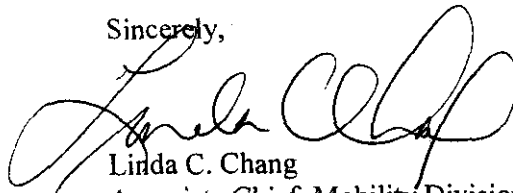
Since 1991, advances in technology appear to address the Commission's initial concerns of interference that warranted adoption of the ban. Consequently, the Commission believes that it may now be possible for the traveling public to use their cell phones while airborne without increasing the risk of interference to cellular systems on the ground. Accordingly, in the *Notice*, the Commission proposes to relax the ban on the airborne use of cellular telephones so long as the phones are controlled by a "pico cell" installed onboard private or commercial aircraft that directs the handsets to operate at or near their lowest applicable power settings. It also seeks comment on the practicality of an industry-initiated solution that would enable use of airborne cellular units without the FCC having to mandate technical rules. Finally, the *Notice* seeks comment as to whether the Commission should allow licensees to provide 800 MHz cellular service to airborne wireless units on a secondary basis, subject to certain technical limitations that would ensure no interference to terrestrial operations.

The public is encouraged to submit comments in this proceeding. The filing deadline for comments is May 26, 2005, and for reply comments it is June 27, 2005.

The Honorable Dennis Moore  
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I appreciate your interest in this matter. Your letter, as well as this response, will be placed in the record of this proceeding. Please do not hesitate to contact me, or Guy Benson, Mobility Division, Wireless Telecommunications Bureau, at 202-418-2946, if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda C. Chang", with a large, stylized flourish extending to the right.

Linda C. Chang  
Associate Chief, Mobility Division  
Wireless Telecommunications Bureau

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(on leave of absence, 108th Congress)

Congress of the United States  
House of Representatives

DENNIS MOORE  
Third District, Kansas  
[www.house.gov/moore](http://www.house.gov/moore)

April 1, 2005

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PHONE: 913-383-2013  
FAX: 913-383-2088

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KANSAS CITY, KS 66101  
PHONE: 913-621-0832  
FAX: 913-621-1533

901 KENTUCKY STREET, #205  
LAWRENCE, KS 66044  
PHONE: 785-842-9313  
FAX: 785-843-3289

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THE HONORABLE KEVIN MARTIN  
CHAIRMAN  
FEDERAL COMMUNICATIONS COMMISSION  
445 12TH ST SW  
WASHINGTON DC 20024-2101

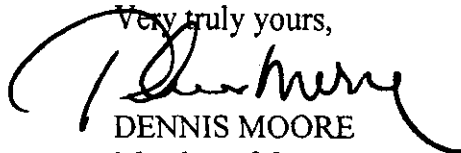
Dear Mr. Powell:

I recently received the enclosed communication from a resident of my congressional district.

I would very much appreciate receiving from your staff a response to the issues raised by my constituent. I will, of course, forward a copy of your response to my constituent.

Thank you very much for your prompt attention to this matter.

Very truly yours,

  
DENNIS MOORE  
Member of Congress

DM:prk  
Enc.

P.S. Please sign up for my e-mail newsletter to receive periodic updates on federal legislation at my Web site: <http://www.house.gov/moore>.

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**From:** writerep  
**Sent:** Wednesday, March 30, 2005 5:32 PM  
**To:** KS03WYR  
**Subject:** WriteRep Responses

DATE: March 30, 2005 5:04 PM  
NAME: Debra Rubin  
ADDR1: 2212 West 125th St.  
ADDR2:  
ADDR3:  
CITY: Leawood,  
STATE: Kansas  
ZIP: 66209-1380  
PHONE:  
EMAIL: debnotes@kc.rr.com  
Message:

FCC Commissioners  
The Federal Communications Commission RE: Docket 04-435  
445 12th Street, SW  
Washington, DC 20554

Dear FCC Commissioners ,

I am writing to voice my concerns about the FCC's proposal to relax the restrictions on the use of cell phones on airplanes in flight.

There is no hard evidence that cell phone use doesn't interfere with navigational instruments. The introduction of cell phone use in the cabin will not only increase tension among passengers, it will compromise flight attendants' ability to maintain order in an emergency. Cell phone use could also enable terrorists to coordinate a plan of action more effectively.

Please leave the current rules in effect.

Sincerely,

Debra Rubin  
2212 West 125th St.  
Leawood,, Kansas 66209

cc:  
Senator Pat Roberts  
Senator Sam Brownback  
Representative Dennis Moore